



Planning & Community Development Department

STAFF REPORT TO THE HEARING EXAMINER

File # P-06-0001

HEARING DATE: October 4, 2006 @ 1:30 p.m.

PROJECT COORDINATOR: Amanda Tainio, Associate Planner

PROJECT: Liberty Lake View Estates Preliminary Plat

PROJECT DESCRIPTION: Proposal for a preliminary plat to construct 24 single family units on 23.10 acres w/ 9.27 acres of open space & 3.63 acres of right-of-way.

DESCRIPTION OF THE SITE: The subject site is primarily a hillside, 23.10 acres in size, which is undeveloped, and is located west of Liberty Lake Rd. and Settler Drive. The subject site is proposed to be accessed by Liberty Lake Rd. which is a paved two lane road which has not been improved with curbs or sidewalks; however the Outlet Channel Trail runs along the eastern side of Liberty Lake Rd. and provides connection to the Liberty Lake Trail System. Liberty Lake Rd. is designated as a Minor Arterial from Sprague Ave. to Appleway Ave. and no improvements have been done to the street since the City acquired it upon incorporation. Surrounding uses include single family homes and condominiums, a golf course, a trail system, and undeveloped land. The subject site is adjacent to the southern City of Liberty Lake boundary.

PROJECT DATA:

Project Location	W. of Liberty Lake Rd. & Settler Drive
Parcel Number(s)	55226.9035
Applicant	Brian Main / Storhaug Engineering (John Konen)
Comprehensive Plan Designation	Single Family Residential along the western portion of the site and Open Space/ Recreation along the eastern portion of the site
Existing Zoning	R-1 (Single Family Residential) & O (Open Space/ Recreation)
Existing Land Use	Vacant
Surrounding Zoning & Land Uses	
North	The land north of the subject site is zoned R-1 (Single Family Residential) with a strip of O (Open Space/ Recreation) along the eastern edge and the land is being used for single family homes and open space within the Legacy Ridge PUD.

South	The land south of the subject site is outside the Liberty Lake City limits, within unincorporated Spokane County. The existing zoning is believed to be Rural Traditional with a condominium development and vacant land.
East	The land east of the subject site, north of Sprague Ave., is zoned R-1 (Single Family Residential) with a strip of O (Open Space/ Recreation) along the western and northern edges and the land is being used for single family homes, a trail system, and a golf course. The land east of the subject site, south of Sprague Ave., is outside the Liberty Lake City limits, within unincorporated Spokane County. The existing zoning is believed to be Rural Traditional with vacant land, a trail system, condominiums / apartments, & single family homes.
West	The land west of the subject site is zoned R-1 (Single Family Residential) and the land is being used for single family homes within the Legacy Ridge PUD.
Recent Land Use Proposals and Project Approvals within the Vicinity of the Project	The land west and north of the subject site is contained within the current Legacy Ridge PUD. The land southeast of the subject site is contained within the Liberty Lake Estates PUD. The land east of the subject site, across Liberty Lake Rd. is contained within the Liberty Lake Heights and Homestead The Gardens developments.
Land Division Status	The subject site consists of one Tax Parcel of Record
Water Purveyor	Public water is to be provided by the Liberty Lake Sewer & Water District
Sewer Purveyor	Public sewer is to be served by the Liberty Lake Sewer & Water District
Fire District #	Spokane County Fire District #1
School district	Central Valley School District
Nearest Arterial & Distance	The subject site is located west of and adjacent to Liberty Lake Rd. which is designated as a Minor Arterial from Sprague Ave. to Appleway Ave.
Nearest Parks & Distance	Pavillion Park is approximately 1 mile away from the subject site and Little Bear Park is approximately a ½ mile away from the subject site. The outlet channel trail, that connects to the Liberty Lake Trail System, runs along Liberty Lake Rd. Trailhead Golf Course is located northeast of the subject site
Neighborhood Association	A homeowner's association is proposed

Other Information	The subject site was previously zoned SR-1 prior to City incorporation, a pre-GMA designation. In 2003, with the adoption of the City Comprehensive Plan, the land use designations were changed to Single Family Residential and Open Space/ Recreation. The designations on the subject site were split to identify the steep hillside along the eastern portion of the site as Open Space/ Recreation. The subject site zoning was changed in December 2005 to R-1 (Single Family Residential) and O (Open Space/ Recreation) when the City Development Code and Zoning Map were adopted to implement the City Comprehensive Plan.
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GMA / CRITICAL AREAS:

Aquifer Recharge Area	The subject site is located within the Aquifer Sensitive Area (ASA).
Fish & Wildlife Habitat Conservation Areas	The subject site is not located within a Fish & Wildlife Habitat Conservation Area.
Floodplain	A FEMA designated floodplain is located in the southeast portion of the subject site and the area is designated for open space/ drainage on the preliminary plat map proposal.
Geologically Hazardous Areas	The subject site contains slopes between 15% & 45%, with the steepest slopes located within the O (Open Space/ Recreation) zone. The site is identified on the Spokane County Geologically Hazardous Areas Map as having erodible soils.
Wetlands	The U.S. Fish and Wildlife Service map and the City Wetlands map included within the City Comprehensive Plan identify small wetland areas on the site. A site visit confirmed the presence of an intermittent stream consistent with the Budinger report.

SEPA: The Optional DNS process was used for the Liberty Lake View Estates Preliminary Plat proposal and the SEPA Checklist was circulated and available to the public during the Notice of Application comment period from August 16, 2006 - August 30, 2006. A Mitigated Determination of Nonsignificance (MDNS) was issued on September 19, 2006 and was circulated and available to the public with the Notice of Public Hearing.

MITIGATING MEASURES:

1. Participation in the Harvard Rd. Mitigation Plan and any other impact fees, such as that for schools, parks, etc., approved by the City Council, consistent with the City of Liberty Lake's Comprehensive Plan, shall be paid upon issuance of building permits for this project.
2. At the time of final plat submittal, the applicant shall supply a traffic analysis for Liberty Lake Rd. to demonstrate adequate sight distance availability at the proposed

intersection of Liberty Lake Rd. and "Liberty View Lane." Off-site improvements may be required by the City of Liberty Lake to mitigate traffic problems.

3. The final plat shall comply with the City Development Code Chapter 6, Environment, specifically as related to critical areas and any form of potential disturbance to critical areas shall be reviewed and mitigated as required by Chapter 6.
4. A Temporary Erosion and Sedimentation Control (TESC) plan is to be prepared by a WA State licensed Professional Engineer and implemented throughout the duration of construction. The TESC plan is to be prepared using best management practices (BMP's) currently accepted within the Civil Engineering profession. The TESC plan is to include, as a minimum, a grading plan, location, and details of silt control structures (such as silt ponds, silt traps) are to be installed prior to other site work and the TESC measures are to be implemented and maintained throughout the duration of construction, including house construction.
5. A Stormwater Pollution Prevention Plan for the project site may be required and should be developed by a qualified person(s). Erosion and sediment control measures in the plan must be implemented prior to any clearing, grading, or construction. These control measures must be effective to prevent soil from being carried into surface water by stormwater runoff. Sand, silt, and soil can damage aquatic habitat and are considered pollutants. The plan must be upgraded as necessary during the construction period.
6. The operator of a construction site which disturbs one acre or more of total land area, and which has or will have a discharge of stormwater to a surface water or to a storm sewer, must apply for coverage under Department of Ecology's Baseline General Permit for Stormwater Discharges Associated with Construction Activities.
7. Compliance with the Washington State Department of Ecology Water Quality and Solid Waste Program requirements shall be required.
8. All new dry wells and other injection wells must be registered with the Underground Injection Control program (UIC) at Department of Ecology prior to use and the discharge from the wells must comply with the ground water quality requirement (nonendangerment standard) at the top of the ground water table.
9. The requirements for SCAPCA shall be met at the time of project construction.
10. Additional comments for this project are included within the proposed Conditions of Approval for the project.

PROJECT PERMIT TIMELINE & NOTICES:

	Date	Notice
Pre-Application Conference	8/2/06	Notice emailed to agencies on 7/14/06
Application Submitted	7/14/06 & 8/4/06	
Determination of Completeness	Issued: 8/8/06	

Notice of Application	<p>Issued: 8/16/06</p> <p>Comment Deadline: 4pm, 8/30/06</p>	<p>Notice published in the 8/18/06 edition of the Valley News Herald (the official City newspaper)</p> <p>Notice mailed to property owners within 400' radius & agencies on 8/16/06</p> <p>Notice emailed to public notice group on 8/15/06 (after 5pm)</p> <p>Notice posted on City website on 8/15/06 (after 5pm)</p> <p>On-Site Sign Posting verified on 8/16/06</p>
Technical Review Meeting	9/12/06	<p>Notice emailed to agencies & public notice group on 9/5/06</p> <p>Notice posted on City website on 9/5/06</p>
Notice of Public Hearing	<p>Issued: 9/19/06</p> <p>Hearing to be held on 10/4/06 at 1:30pm</p>	<p>Notice published in the 9/22/06 & 9/29/06 editions of the Valley News Herald (the official City newspaper)</p> <p>Notices mailed to property owners within 400' radius, agencies, & members of the public that have submitted project comments on 9/19/06</p> <p>Notice emailed to public notice group on 9/19/06</p> <p>Notice posted on City website on 9/19/06</p> <p>On-Site Sign Posting verified on 9/20/06</p>

REVIEWING AGENCIES: Agency comment letters are attached to staff report.

Agencies Notified	Notification	Response Received	Comment Summary
City Engineer	<p>Pre-Application Conference</p> <p>Notice of Application</p> <p>Technical Review Meeting Notice</p> <p>Notice of Hearing</p>	9/19/06	<ul style="list-style-type: none"> Concerned about project feasibility due to the difficult terrain and additional submittals will be required (prior to final plat submittal)
Liberty Lake Sewer District	<p>Pre-Application Conference</p> <p>Notice of Application</p> <p>Technical Review Meeting Notice</p> <p>Notice of Hearing</p>	Letter submitted 7/5/06	<ul style="list-style-type: none"> Water & sewer are available for development
Fire District #1	<p>Pre-Application Conference</p> <p>Notice of</p>	8/2/06	<ul style="list-style-type: none"> If gated, provide Knox key switch at gate Fire hydrant placement

	Application Technical Review Meeting Notice Notice of Hearing		<ul style="list-style-type: none"> • Cul-de-sac & turnaround placement • Water system design
WSDOT - Spokane	Pre-Application Conference Notice of Application Technical Review Meeting Notice Notice of Hearing		No comments received as of September 25, 2006
SCAPCA	Pre-Application Conference Notice of Application Technical Review Meeting Notice Notice of Hearing	7/24/06 8/18/06 9/8/06	<ul style="list-style-type: none"> • Construction & notice requirements
Avista Utilities	Pre-Application Conference Notice of Application Technical Review Meeting Notice Notice of Hearing		No comments received as of September 25, 2006
Qwest	Pre-Application Conference Notice of Application Technical Review Meeting Notice Notice of Hearing		No comments received as of September 25, 2006
Community Cable	Pre-Application Conference Notice of Application Technical Review Meeting Notice Notice of Hearing		No comments received as of September 25, 2006

Central Valley School District	Pre-Application Conference Notice of Application Technical Review Meeting Notice Notice of Hearing		No comments received as of September 25, 2006
Spectrum Fiber Network	Technical Review Meeting Notice Notice of Hearing		No comments received as of September 25, 2006
Dept. of Ecology - Olympia	Notice of Application		No comments received as of September 25, 2006
Dept. of Ecology - Spokane	Notice of Application	8/29/06	<ul style="list-style-type: none"> • Water quality program • Solid waste program
Spokane Regional Health District	Notice of Application Notice of Hearing		No comments received as of September 25, 2006
Spokane County Building & Planning	Notice of Application Technical Review Meeting Notice Notice of Hearing		No comments received as of September 25, 2006
Spokane County Engineering & Roads	Notice of Application Technical Review Meeting Notice Notice of Hearing		No comments received as of September 25, 2006

PUBLIC COMMENTS: The following are the public comments received as of September 25, 2006 and the comment letters are attached to staff report.

Name & Address	Response Received	Comment Summary
John Weirich 22815 E. Settler, Liberty Lake, WA 99019	8/29/06 by mail	<ul style="list-style-type: none"> • Concerned about problems that happened during Legacy Ridge construction, happening again • Project not suited for steep, rocky terrain • Project will increase traffic & congestion on Liberty Lake Rd. • Project will ruin tree lined open space that is

		<p>an essential wildlife corridor</p> <ul style="list-style-type: none"> • Project will create construction hazard years & be detrimental to surrounding neighborhoods • Opposes project
<p>Gary & Jeannette Wraspir 215 N Kelsea Court Liberty Lake, WA 99019</p>	<p>8/29/06 by mail</p>	<ul style="list-style-type: none"> • Concerned about problems that happened during Legacy Ridge construction, happening again • Concerned about loss of natural beauty • Concerned about feasibility of developing steep area due to erosion & stability of fill dirt • Concerned project will reduce the sales value of their home in the future • Opposes project
<p>Liberty Lake Estates Homeowner's Association 22845 E. Clearwater Ln. Liberty Lake, WA 99019</p>	<p>8/30/06 by mail</p>	<ul style="list-style-type: none"> • Concerned that Liberty View Ln. is the only ingress / egress for emergency vehicles, the turning radius & grade at road intersections seem unsuited for large vehicles • Concerned about Liberty View Lane school bus access • Concerned about effect of native vegetation removal on topsoil retention, flood control, & hillside stability • Concerned about bedrock removal through blasting & damage to nearby structures • Questioned whether existing 100 year flood zone is also classified as a wetland & lots 21 / 22 being within 200 foot setback from flood area • Questioned whether a seasonal stream that requires a 200 foot setback is located on the property • Concerned about aquifer effects from cut / fill • Concerned about sewer service to project • Concerned about stormwater and detention pond design, lot access • Roads terminate - cul-de-sacs are not used
<p>Chris & Ouellette 22805 E. Settler Drive Liberty Lake, WA 99019</p> <p>Susan Meyer 22801 E. Settler Drive Liberty Lake, WA 99019</p>	<p>8/31/06 by fax</p>	<ul style="list-style-type: none"> • Concerned about traffic safety, congestion, & noise on Liberty Lake Rd. • Concerned about problems that happened during Legacy Ridge construction, happening again • Opposes project

Janet Purdy 22804 E. Settler Drive Liberty Lake, WA 99019	9/1/06 by mail	<ul style="list-style-type: none"> Concerned about problems that happened during Legacy Ridge construction, happening again Concerned about increased traffic on Liberty Lake Rd.
Sam & Sharon Kinard <i>1823 S. Liberty Dr. Liberty Lake, WA 99019</i>	9/13/06 by email	<ul style="list-style-type: none"> Concerned about erosion management with development due to steepness of site Concerned about water quality Concerned about additional traffic and increased road wear on Liberty Lake Rd. Concerned about loss of natural beauty Opposes project
P.Z. Pearce <i>c/o Rockwood Clinic 14408 E. Sprague Ave. Spokane Valley, WA 99216</i>	9/13/06 by email	<ul style="list-style-type: none"> Opposes project Concerned about runoff and traffic issues
John & Judy Black <i>1109 S. Wright Blvd., Liberty Lake, WA 99019</i>	9/13/06 by email	<ul style="list-style-type: none"> Opposes project Concerned about additional traffic and loss of natural hillside
Jeff Ellingson 22922 E. 8th Ave. Liberty Lake, WA 99019	9/13/06 by email	<ul style="list-style-type: none"> Proposed access road to development will reduce ease of movement from the Lake area to center of town Concerned that the access road will be too steep and shaded in the winter to be safe
Beth Cocchiarella <i>715 S. Liberty Dr. Liberty Lake, WA 99019</i>	9/1/06 by email	<ul style="list-style-type: none"> Objects to steep hillside road approach to Liberty Lake Dr. Concerned about traffic issues
Jami Ostby Marsh	9/13/06 by email	<ul style="list-style-type: none"> Objects to more development
Tom & Bette Brattebo PO Box 57 Liberty Lake, WA 99019	9/13/06 by email	<ul style="list-style-type: none"> Opposes project
Keva Monson	9/13/06 by email	<ul style="list-style-type: none"> Questions on project / area
Scott Bernhard Liberty Lake	9/13/06 by email	<ul style="list-style-type: none"> Opposes project due to traffic congestion and protection of open space

STAFF ANALYSIS:

Comprehensive Plan

The subject property is located within the Single Family Residential land use designation along the western portion of the site and the Open Space/ Recreation land use designation along the eastern portion of the site.

The Single-Family designation provides for single-family homes in support of established residential neighborhoods. This designation is the primary residential designation in the City.

The Open Space and Recreation designation provides for open area spaces and recreational uses such as public/ private parks, preserves, and trails, as well as public and privately owned facilities such as golf courses. Local and regional recreation opportunities are included within this designation. The designation promotes the conservation of public and private sensitive or critical natural resource areas and areas of local interest as open space.

The following Goals and Policies from the City's adopted Comprehensive Plan are applicable to this proposal:

GOAL LU.2: Maintain and enhance the quality of life in the City of Liberty Lake through urban design standards.

POLICY LU.2.2: The design of development proposals should accommodate and complement environmental features and conditions, and preserve and protect significant cultural resources.

POLICY LU.2.8: Encourage developers to work with neighborhoods to develop plans that address neighborhood concerns, such as environmental protection, aesthetics, quality of life, property values, and preservation of open space. (see H.1.2)

POLICY LU.2.11: Ensure linkage of developments with open space, parks, natural areas, and street connections.

POLICY LU.2.12: Enhance and preserve the site characteristics of residential development (existing trees, watercourses, historic features, and similar assets) through sensitive site planning tools such as clustering, lot averaging, transfer of development rights, and flexible setback requirements.

POLICY LU.2.14: Separated sidewalks shall be required on public roads in all new residential subdivisions.

POLICY LU.2.15: Require the planting of curbside trees. Identify those species of trees that are most appropriate for curbside plantings, considering safety, soils, aesthetics, and compatibility with infrastructure.

POLICY LU.2.20: Encourage new developments, including multifamily projects, to be arranged in a pattern of connecting streets and blocks to allow people to get around easily by foot, bicycle, bus or car. Cul-de-sacs or other closed street systems may be appropriate under certain circumstances including, but not limited to, topography and other physical limitations which make connecting systems impractical.

POLICY LU.2.21: When cul-de-sacs are used, combine them with connected streets and focal points such as traffic circles, parks, or a neighborhood business to provide for ease of circulation and to promote a sense of an integrated community.

GOAL LU.5: Provide for an aesthetically pleasing urban environment and encourage the maintenance and enhancement of natural and cultural views.

POLICY LU.5.3: Encourage preservation of healthy and attractive native vegetation where appropriate during land development. When this is not possible, encourage the use of appropriate native plant materials in the site's landscaping.

POLICY LU.5.6: Direct placement of telecommunication, cable television lines, and other utility facilities underground, at the rear of properties, or in alleyways and require undergrounding of all newly installed or extensively modified utilities under 13kV to protect viewsheds and corridors.

GOAL LU.7: Guide efficient development patterns by locating residential development in areas where facilities and services can be provided in a cost-effective and timely fashion.

POLICY LU.7.5: Develop regulations and incentives to encourage clustered housing on residential lands so open space, views, watersheds, and critical areas are permanently protected.

POLICY LU.7.7: Establish or maintain zoning and subdivision regulations that require residential developments to provide the following improvements:

- a. Paved streets (and alleys if appropriate), curbs and sidewalks, paths and internal walkways, when appropriate;
- b. Adequate parking consistent with local transit levels;
- c. Street lighting;
- d. Street trees;
- e. Storm water control;
- f. Public water supply;
- g. Public sewers.

POLICY LU.7.8: New development shall be connected to public sewer, consistent with requirements for concurrency. Developer-financed extensions of public sewer may be allowed, provided capacity and infrastructure needs are adequately addressed.

POLICY LU.7.14: Incorporate public safety considerations into land use decisions.

POLICY LU.7.15: Limit growth to areas served by a fire protection district and that have or will have adequate road access and water supply for fire protection.

GOAL LU.10: Create urban areas with a variety of housing types and prices, including manufactured home parks, multi-family development, townhouses, condominiums, and single-family development.

POLICY LU.10.3: Develop regulations guiding appearance, scale, and location of new development to enable a range of dwelling types and amenities.

GOAL LU.12: Create a variety of residential densities with an emphasis on compact mixed-use development in designated centers and corridors.

POLICY LU.12.2: The City of Liberty Lake shall achieve a minimum residential density in new development of at least 4 dwelling units per net acre through a mix of densities and housing types.

GOAL LU 21: Plan for parks, open space, trails, and recreational activities for the citizens of the City of Liberty Lake.

POLICY LU 21.5: Link parks planning with transportation corridor (streetscape, trail, and gateway) planning to create a network of active and passive greenspaces.

GOAL D.1a: Citywide design and development that promote and support a well-integrated residential community, provide a heightened sense of livable community, and present opportunity for public gathering.

GOAL D.1b: Community design, architecture, and landscaping that enhance and are compatible with the City's setting and natural scenic resources.

POLICY D.1.5: Areas of special interest, including entry points, landmarks, and scenic views, shall receive appropriate treatment whether part of public or private development proposals.

POLICY D.1.9: Neighborhoods shall establish a well-defined edge or boundary, consisting of landscaping, green belts, open space, and/or entry monumentation, in appropriate locations to help create a unique community image and sense of place.

GOAL T.2: Provide transportation system improvements concurrent with new development and consistent with adopted land use and transportation plans.

POLICY T.2.2: Transportation improvements needed to serve new development shall be in place at the time new development impacts occur. If this is not feasible, then a financial commitment, consistent with the capital facilities plan, shall be made to complete the improvement within six years.

POLICY T.2.3: Transportation improvements shall be consistent with land use plans, capital funding, and other planning elements.

POLICY T.2.4: Implement concurrency review and management that evaluates impacts from new development and identifies funding sources for improvements. Evaluate the transportation system annually and compare to prior years.

POLICY T.2.5: Coordinate planning with appropriate agencies and utility companies for utility corridors that may affect the transportation system.

GOAL T.6: Promote pedestrian and bicycle transportation and increase safety, mobility, and convenience for non-motorized modes of travel.

POLICY T.6.8: Continue to develop street, pedestrian path, and bike path standards that contribute to a system of fully connected routes. If streets do not connect, continue trails to make connections for pedestrians and bikes.

GOAL T.8: Ensure that urban roadway systems are designed to preserve and be consistent with community character.

POLICY T.8.1: Utilize best available engineering practices to ensure a safe and efficient roadway system.

POLICY T.8.2: Optimize the capacity of existing roads to minimize the need for new or expanded roads through the use of improved signage, signalization, road maintenance, and other means.

POLICY T.8.4: Discourage private roads as a principal means of access to developments. Allow private roads within developments as a principal means of circulation, provided adequate measures are in place to assure safe travel, emergency access, and permanent private maintenance.

POLICY T.8.10: Adequate access to and circulation within all developments shall be maintained for emergency service and public transportation vehicles.

POLICY T.8.12: Encourage street designs, which reduce the number of access points on minor arterials and major collectors by combining driveways for adjacent properties and use of frontage roads.

POLICY T.8.13: Encourage new developments, including multifamily projects, to be arranged in a pattern of connecting streets and blocks to allow people to get around easily by foot, bicycle, bus, or car. Cul-de-sacs or other closed street systems may be appropriate under certain circumstances including, but not limited to, topography and other physical limitations which make connecting systems impractical.

POLICY T.8.14: When cul-de-sacs are used, combine them with connected streets and focal points such as traffic circles, parks, or a neighborhood business to provide for ease of circulation and to promote a sense of an integrated community.

GOAL T.15: Fund transportation improvements to meet existing and future needs based on level of service standards.

POLICY T.15.5: Impact mitigation fees and user-based fees shall be considered as a source for funding for all transportation improvements required because of new development.

GOAL H.1: Preserve the character of existing neighborhoods and support quality new development.

POLICY H.1.1: Provide for innovative design options that support residential neighborhoods and provide for more efficient use of single family residential lands.

POLICY H.1.2: Encourage developers to work with neighborhoods to develop plans that address neighborhood concerns, such as environmental protection, aesthetics, quality of life, property values, and preservation of open space.

POLICY H.1.4: Require street trees and separated sidewalks to promote neighborhood character within residential developments.

GOAL U.4: Coordinate private and public sanitary sewer and water planning and services in order to promote efficient service, protect natural resources, and ensure the orderly development of the City of Liberty Lake, consistent with adopted plans and policies.

POLICY U.4.3: Prior to approval of any proposed development inside the city boundaries, the developer will be required to demonstrate the adequacy of the planned sewer and water conveyance system capacity.

POLICY U.4.4: Prohibit the extension of water service to new development if such extension will decrease the level of service of the existing water system below the established minimum level of service.

GOAL P.1: Ensure the availability of a variety of parks, recreation facilities and services, and open space to benefit a wide range of age, social, economic, and special group interests and abilities.

POLICY P.1.4: Parks, recreation, and open space facilities should be located where they will provide for a variety of activities, as well as where they will best preserve, enhance, and protect important habitat areas, corridors and linkages, natural amenities (e.g., wetlands and shorelines), unique landscape features (e.g., cliffs and bluffs), or other outstanding natural features.

POLICY P.1.5: Allocate parks, recreation, and open space facilities throughout the City in a manner that provides an equitable geographic distribution based on population density.

GOAL P.3: Set a minimum level of service for parks, trails, and open space of 30 acres per 1000 population, inclusive of golf courses, natural areas, school play areas, and other outdoor recreational areas.

POLICY P.3.2: New development shall mitigate all of its direct impacts of development on public parks, recreation, and open space facilities by dedicating land in the form of parks, trails, or other open space, inclusive of golf courses, natural areas, school play areas, and other outdoor recreational areas.

GOAL P.5: Preserve and protect existing and designated open space areas and corridors throughout the City to maintain a physical and functional system of open space corridors which protect environmental resources, enhance visual aesthetics, provide circulation linkages, and ensure adequate separation and buffers between various land uses.

POLICY P.5.5: Through planning, open space corridors shall be established as appropriate to serve as greenbelt buffers, trails, wildlife habitat, and recreation areas between and among developments.

POLICY P.5.6: Identify and designate open space areas and corridors throughout the City. These open spaces shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas.

POLICY P.5.14: Implement the open space designation through zoning and other regulatory techniques such as residential clustering, critical area buffers, and wildlife management plans to provide an open space system and to preserve and protect environmentally sensitive areas.

GOAL NE.2: Ensure “no net loss” of wetland functions, value, and quantity as a result of land use activities and establish a long-term goal of measurable gain of wetlands function and value.

POLICY NE.2.4: New development shall not impact wetlands.

GOAL NE.5a: Prevent degradation of groundwater quality in Liberty Lake area aquifers.

GOAL NE.5b: Protect groundwater quality from development impacts.

GOAL NE.5c: Mitigate the effects of natural or un-natural events that lower aquifer water quality below minimum state standards.

POLICY NE.5.4: Evaluate proposed land use changes for both positive and negative impacts on groundwater quality, especially in moderate and highly susceptible critical aquifer recharge areas.

POLICY NE.5.5: Discourage development that would have a significant negative impact on the quality of an aquifer.

GOAL NE.16: Protect and improve the natural dynamics of frequently flooded areas.

POLICY NE.16.5: New developments and land use activities should be designed to:

1. Protect the drainage functions of flood plains, natural drainageways, sink areas, and other existing drainage facilities.
2. Preserve and incorporate natural features such as streams, ponds, significant drainageways, and wetlands in a manner that maintains their natural functions.
3. Consider the site's topography as it relates to frequently flooded areas in the design and placement of physical improvements such as roads and structures.
4. Retain natural vegetation strips adjacent to the high water mark of a perennial or intermittent stream or other frequently flooded areas.
5. Retain trees and native vegetation that contribute to controlling erosion on slopes adjacent to frequently flooded areas.

GOAL NE.17: Manage frequently flooded areas to enhance environmental quality and to minimize the risks to life and property.

POLICY NE.17.4: Development should not occur on lands identified as being within a 100-year floodplain (1-percent or greater chance of flooding in any given year) or as having a history of flooding, unless the developer provides mitigation measures acceptable to the appropriate regulatory agency.

GOAL NE.18: Development should be discouraged in geologically hazardous areas unless it can be demonstrated that a hazard area can be developed consistent with public health and safety. Development permits may be conditioned to mitigate certain hazards.

POLICY NE.18.1: Any new subdivision or short subdivision that is determined to be in a geologically hazardous area where significant risk has been identified shall have specific language placed on the face of the plat (dedication) and title stating that the hazard is present.

POLICY NE.18.2: Residential, commercial, and industrial development in geologically hazardous areas should minimize disruption of existing topography and vegetation; and shall incorporate opportunities for phased clearing and grading.

POLICY NE.18.3: Construction should minimize risk to the natural environment and/or structures. Construction shall not increase the risk to the site and/or potentially affected adjacent properties.

POLICY NE.18.4: Clearing and grading activities in geologically hazardous areas shall consider limitations based upon seasonal weather conditions.

POLICY NE.18.5: Within geologically hazardous areas, site alteration, grading, and filling shall be the minimum necessary to accomplish approved designs/plans.

POLICY NE.18.6: Proposals should describe the hazards present, such as erosion, landslides, etc., and provide mitigation measures acceptable to the appropriate regulatory agency.

POLICY NE.18.7: Construction and development on geologically hazardous areas should have negligible effects on the quality and quantity of potentially affected surface and groundwater. Mitigation measures acceptable to the appropriate regulatory agency should be provided.

POLICY NE.18.8: Development in geologically hazardous areas should not be allowed without appropriate mitigation.

POLICY NE.18.9: Development proposals within geologically hazardous areas should submit an erosion control plan prior to receiving approval.

POLICY NE.18.10: Land use regulations and decisions should consider density transfers, bonus density, nature belt preservation, or other innovative mechanisms to retain geologically hazardous areas whenever possible and to facilitate implementation of the goals and policies for geologically hazardous areas.

GOAL NE.19: Geologically hazardous areas may be used as open space for recreation, rangeland, forest, wildlife habitat, and other uses as appropriate.

POLICY NE.19.1: Geologically hazardous areas demonstrated to be highly sensitive to modification by development activities shall be preserved in a natural condition for uses other than development.

POLICY NE.19.2: These highly sensitive areas should be inventoried and reviewed for consideration of the most appropriate non-development related use.

GOAL CF.3: Ensure that public facilities and services support proposed development at established Levels of Service.

POLICY CF.3.1: Development shall be approved only after it is determined that public facilities and services will have the capacity to serve the development without decreasing levels of service below adopted standards.

GOAL CF.6: Coordinate public water system planning to promote efficient service, protect the natural resources, and ensure the orderly physical development of the City of Liberty Lake consistent with adopted plans and policies.

POLICY CF.6.2: Prohibit the extension of water service to new development that will decrease the level of service of the existing water system below the adopted minimum level of service standards.

POLICY CF.6.3: Ensure water systems for developments include adequate supply and distribution systems for domestic use and fire protection per local, state and federal plans, policies and regulations.

GOAL CF.7: Coordinate public sanitary sewer planning to promote efficient service, protect natural resources, and ensure the orderly physical development of the City of Liberty Lake consistent with adopted plans and policies.

POLICY CF.7.2: Prohibit the expansion of any sewer services that will degrade the existing system below the adopted level of service.

POLICY CF.7.6: Determine whether new proposed development can be accommodated within the planned capacity of the sewer conveyance and treatment system before approval.

GOAL CF.9 Coordinate with individual school districts to ensure that school sites and facilities meet the educational needs of the City of Liberty Lake residents.

POLICY CF.9.4: Encourage the expansion of school facility capacity to proceed at a comparable rate with that of private residential development and demographic trends.

POLICY CF.9.5: Consider the adequacy of school facilities when reviewing new residential development.

GOAL CF.16: Growth and development activity should pay a proportionate share of the cost of planned facilities needed to serve the growth and development activity.

POLICY CF.16.1: Consistent with the Capital Facilities Plan, growth related impact fees may be imposed for public streets and roads; public parks, open space and recreation facilities; schools; and fire protection facilities.

POLICY CF.16.2: Growth related impact fees:

- a. Shall only be imposed for system improvements that are reasonably related to the new development;
- b. Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and,
- c. Shall be used for system improvements that will reasonably benefit the new development.

Development Code

The subject property is located within the R-1 (Single Family Residential) zone along the western portion of the site and the O (Open Space/ Recreation) zone along the eastern portion of the site. The existing Legacy Ridge PUD is located west of the subject site.

There are several challenges with the submitted Liberty Lake View Estates Preliminary Plat proposal since the adopted City Development Code establishes regulations for smaller lots, urban densities and streetscapes, etc. and the proposal identifies larger lots with less density and does not include required streetscape features. Additionally, there is inconsistency on the location or existence of wetlands and floodplains on the site that must be addressed. The following are definitions contained within the City Development Code that are applicable to the proposal and a chart identifying the City Development Code components, the proposal, and the standards contained within the Development Code for comparison to the proposal.

City Development Code Article 10-1C, Definitions

Buffer area - A designated area along the perimeter of a wetland, fish and wildlife habitat, or other critical area which is regulated to minimize impacts of adjacent activities and uses from intruding into the aquatic resource.

Critical aquifer recharge areas - Areas where there is an aquifer that is a source of drinking water that is vulnerable to contamination that would affect the potability of the water (WAC 365-190-030).

Critical areas - Include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. (Defined in 36.70A.030(5) as now or hereafter amended.)

Degraded wetland - A wetland altered through impairment of some physical or chemical property which results in reduction of one or more wetland functions and values.

Dwelling, Single-Family - A building designed for long-term habitation exclusively by 1 family, having complete living facilities, and constituting 1 dwelling unit. This term shall include manufactured homes and mobile homes.

Forested wetland - A wetland area with at least thirty percent of the surface area covered by woody vegetation greater than twenty feet in height and be at least one half acre in size or comprise at least ten percent of the total area of the wetland.

Geologically hazardous areas - means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns. (Defined in 36.70A.030(9) as now or hereafter amended.)

Isolated wetlands - Those wetlands which are outside of and not contiguous to any one hundred year floodplain of a lake, river, or stream; and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

Mitigation - To avoid, rectify, repair, or compensate for negative impacts which result from other actions (e.g., Improvements to a street may be required to mitigate for transportation impacts resulting from development.") Mitigation includes the following:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or
6. Monitoring the impact and the compensation project and taking appropriate corrective measures. Mitigation may include a combination of the above measures.

One Hundred (100)-Year Flood Plain - An area determined by the Federal Emergency Management Agency (FEMA) or by the City of Liberty Lake to have a 1% chance of flooding in any given year.

Open Space and Recreation Zoning District (O Zone) - The O zone allows for open area spaces and recreational uses such as public/ private parks, preserves, and trails,

as well as public and privately owned facilities such as golf courses. Local and regional recreation opportunities are included within this zone. The zone promotes the conservation of public and private sensitive or critical natural resource areas and areas of local interest as open space.

Riparian wetlands - The transitional area between aquatic and upland ecosystems that is identified by the presence of vegetation that requires or tolerates free or unbound water or conditions that are more moist than normally found in the area.

Steep slopes - Slopes of greater than 15 percent depending on soil conditions.

Vegetative classes - Certain types of wetlands as defined by the U.S. Fish and Wildlife Service's Classification of Wetlands and Deepwater Habitats of the United States, FWS/OBS-79-31 (Cowardin et al., 1979, or hereinafter amended), and must be at least one-half acre in size or comprise at least ten percent of the entire wetland.

Vernal wetland system - Seasonal depressional wetlands typically occurring high in the drainage that derive their hydrology from rainfall and snow and a small immediate watershed. Vernal systems are formed as a result of accumulation of surface water in an isolated basin that at no time of the year would have a natural inlet or outlet and water is entirely absent from the surface part of the year.

Wetland(s) - Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands. (Defined in RCW 36.70A.030(20) as now or hereafter amended.)

Wetland banking - The off-site created, restoration, and/or enhancement of wetlands to compensate for unavoidable wetlands impacts associated with development. The newly created or restored site functions as a "bank" which can issue credits to compensate for future wetland impacts.

Wetland buffer or wetland buffer area - An area that surrounds and protects a wetland from adverse impacts to the functions and values of a wetland. The buffer width shall be determined according to the rating assigned to the wetland in accordance with Section 10-6B-3. Buffer width is measured outward from the wetland boundary.

Wetlands Delineation Manual - The 1987 U.S. Army Corps of Engineers Wetland Delineation Manual used in conjunction with the "Washington Regional Guidance on the 1987 Wetland Delineation Manual" dated May 23, 1994, as amended or any other wetlands delineation adopted or recommended for use by the Washington State Department of Ecology.

Wetlands of local significance - Wetlands evaluated by established criteria and given a higher designation as either class 1 or class 2 wetlands.

Wetlands permits - Any permit, modification, revision, or variance issued, conditioned or denied pursuant to Section 10-6B-3.

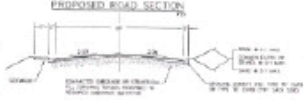
Wetland types - The wetland classes or subclasses of the wetlands taxonomic classification system described in the U.S. Fish and Wildlife Service's Classification of Wetlands and Deepwater Habitats of the United States, FWS/OBS-79/31 (Cowardin et al., 1979 or hereinafter amended).

Preliminary Plat Proposal & Development Code Comparison

	Liberty Lake View Estates Preliminary Plat Proposal	R-1 (Single Family Residential) Zone Standard	O (Open Space/ Recreation) Zone Standard
Ch.2 Land Use	<i>Single Family Homes (Dwelling, single family)</i>	(P) Permitted Use	(N) Not Permitted
10-2B & 10-2L Development Setbacks	Front Yard = 16' / 20' Side Yard = 5' Rear Yard = 15'	Front Yard = 16' (house) / 20' (garage) Side Yard = 5' Rear Yard = 15'	Front Yard = 20' Side Yard = 5' / 20' from Residential Zones Rear Yard = 5' / 20' from Residential Zones & for buildings on through-lots the front yard setbacks shall apply Buffering - A 20 foot minimum buffer zone shall be required between development and any adjacent Residential Zone to reduce light, glare, noise, and aesthetic impacts. The buffer zone shall provide landscaping to screen parking, service, and delivery areas, and walls without windows or entries, as applicable. Neighborhood Access - Construction of pathway(s) and fence breaks in setback yards may

			be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Article 10-3B - Access and Circulation Standards.
10-2B & 10-2L Lot Area	13,656 - 28,006 S.F.	Minimum Area = 5000 Sq. Ft.	Minimum Area = None Maximum Area = None
10-2B & 10-2L Lot Width / Depth	100' Minimum Width 280' Maximum Depth shown on preliminary plat map	Minimum Width = 50' at front property line Maximum Depth = Three (3) times the lot width, except as required to protect critical areas, etc.	Minimum Width = 50' at front property line Maximum Depth = None
10-2B & 10-2L Lot Coverage	10%	40% Maximum	25% Maximum
10-2B & 10-2L Residential Density	<i>Net Density = 2.38 lots/ acre Urban density is not achieved due to the topography of the site</i>	<i>Minimum Net Density = 4 dwelling units per acre Maximum Net Density = 6 dwelling units per acre</i>	<i>None</i>
10-2B & 10-2L Building Height	35'	35'	35'
10-3B-2 (F) Access Option	Private street connected to Liberty Lake Rd. (lots accessed off private street or driveways)	3. Subdivisions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints,	

		access may be provided by consolidating driveways for clusters of two or more lots.
10-3B-2 (J) Street Connectivity & Formation of Blocks	N/A - Hillside development	The block length and perimeter standards may not apply when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent construction in conformance with the standards.
10-3B-3 Pedestrian Access & Circulation	<i>Non-separated 5' wide sidewalks are proposed on one side of the street & a trail connects Liberty View Lane to Liberty Lake Rd.</i>	<p><i>Continuous Pathways - The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks, and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 10-3B-2 - Vehicular Access and Circulation, and Article 10-3G.</i></p> <p><i>Street Connectivity - Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 10-3B-2, subsection 'J'. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria (see p. 3-10, 4a - e)</i></p> <p><i>Sidewalk & Pathway Surface. Sidewalks shall be concrete and at least 6' wide, unless otherwise specified by this Code. Pathway surfaces shall be concrete, asphalt, brick/ masonry pavers, or other durable surface, at least 10 feet wide. Separated sidewalks with planters shall be required along both sides of streets in all residential plats and shall be designed in conformance with the City of Liberty Lake Street Standards.</i></p>
10-3C-4 Street Trees	<i>Street trees not shown on proposed road section</i>	<i>Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Separated sidewalks with planters shall be required along both sides of streets in all residential</i>

		<p><i>plats. Requirements for street tree planting strips are provided in Section 10-3G-2 - Transportation Improvements.</i></p>
<p>10-3D-3 Vehicle Parking</p>	<p>48 spaces (2 per unit)</p>	<p>3-bedroom or greater units 2 spaces per dwelling unit</p>
<p>10-3G-2 Transportation Improvements</p>	<p><i>Steep street grades, Proposed road section</i></p> 	<p><i>Privately owned and maintained streets may be allowed, but are not encouraged. However, private streets must meet all the design and construction standards required for public streets.</i></p> <p><i>Street Location, Width, and Grade - Except as noted below, the location, width, and grade of all streets shall conform to the Transportation Improvement Plan, as applicable, the City of Liberty Lake Street and Stormwater Standards; and an approved street plan or subdivision plat. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience, and safety, and in appropriate relation to the proposed use of the land to be served by such streets:</i></p> <ol style="list-style-type: none"> <i>1. Street grades shall be approved by the City Engineer in accordance with the City of Liberty Lake Street and Stormwater Standards; and</i> <i>2. Where the location of a street is not shown in an existing street plan (See subsection 'G'), the location of streets in a development shall either: (see p. 3-50, 2a - b)</i> <p><i>Minimum Rights-of-Way and Street Sections - Street rights-of-way and improvements shall be the widths listed in the City of Liberty Lake Street and Stormwater Standards. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors: (see p. 3-50, E1 - 13)</i></p> <p><i>Street Alignment and Connections -</i></p> <ol style="list-style-type: none"> <i>1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less</i>

		<p><i>than 300 feet on such streets are created, as measured from the centerline of the street.</i></p> <p><i>Cul-de-sacs. A cul-de-sac should be no more than 200 feet long and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation.</i></p>
<p>10-3G-4</p> <p>Sanitary Sewer and Water Service Improvements</p>	<p>Public sewer & water proposed to be provided by the Liberty Lake Sewer & Water District</p> <p>The Liberty Lake Sewer & Water District has stated they will be able to serve the development.</p>	<p>Sewers and Water Mains Required & plans must be approved by the City.</p> <p>Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.</p>
<p>10-3G-5</p> <p>Storm Drainage Improvements</p>	<p>Stormwater detention ponds with drywells are proposed by Storhaug Engineering</p> <p>A Conceptual Drainage Report has been submitted</p>	<p>The City shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made in conformance with Article 10-3H - Stormwater Management. (until the Stormwater Management Manual for Eastern Washington is available, the default source will be the Spokane County Stormwater Standards)</p>
<p>10-3G-6</p> <p>Utilities</p>	<p>Utility easements shown on preliminary plat map</p>	<p>Underground Utilities - All utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground if screened, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities: (see</p>

		p. 3-56, A1-4)
10-6B Critical Areas	<p><i>The SEPA checklist prepared by the applicant does not identify any environmentally sensitive areas</i></p> <p><i>According to the study submitted by Larry Dawes of Biology, Soils, & Water, Inc., the site does not contain any critical areas</i></p> <p><i>The Geotechnical Report prepared by Budinger & Associates identifies steep slopes (especially along the E. side), an intermittent stream at the N. end of the property, & groundwater may have significant impacts to road cut designs</i></p>	<p><i>Wetlands & geo-hazard areas are identified on the maps utilized by the City, as outlined in the Development Code, in the event of a conflict between the information shown on the maps and information shown as a result of field investigations, the latter shall prevail.</i></p> <p><i>Wetlands.</i></p> <ul style="list-style-type: none"> <i>a. Ensure “no net loss” of wetland functions, value, and quantity as a result of land use activities and establish a long-term goal of measurable gain of wetlands function and value;</i> <i>b. Establish wetland management programs that include identification of wetlands and a classification system; and</i> <i>c. Protect and enhance wetlands so that they are able to perform their natural functions and maintain their beneficial values.</i> <p><i>Geologically Hazardous Areas - The area is identified as having erodible soils.</i></p> <ul style="list-style-type: none"> <i>a. Development should be discouraged in geologically hazardous areas unless it can be demonstrated that a hazard area can be developed consistent with public health and safety. Development permits may be conditioned to mitigate certain hazards.</i> <i>b. Geologically hazardous areas may be used as open space for recreation, rangeland, forest, wildlife habitat, and other uses as appropriate.</i> <p><i>Critical Aquifer Recharge Areas -</i></p> <ul style="list-style-type: none"> <i>a. Prevent degradation of groundwater quality in Liberty Lake area aquifers.</i> <i>b. Protect groundwater quality from development impacts.</i> <i>c. Mitigate the effects of natural or un-natural events that lower aquifer water quality below minimum state standards.</i> <i>d. Secure adequate water quantity for the residents of the City of Liberty Lake without artificially over-allocating available resources to any single customer or group of customers.</i>

		<p><i>Single Family Private Access Street/Driveway - Not permitted in wetlands or buffers, Limited in Habitats & Geo-hazard areas</i></p> <p><i>Reasonable Use Exception -</i> <i>1. Requirements. If an applicant for a development proposal demonstrates to the satisfaction of the Director that application of the standards of this article would deny all reasonable use of the property, development as conditioned shall be allowed. The applicant shall pay a fee, as established in the adopted Planning & Community Development Department (P&CD) Fee Schedule, which may cover mailing and processing and submit documentation on forms provided by P&CD demonstrating all of the following to the satisfaction of the Director:</i> <i>a. Applications of this article would deny all reasonable use of the property; and</i> <i>b. There is no reasonable use with less impact on the wetland, fish and wildlife habitat, or geo-hazard area; and</i> <i>c. The requested use or activity will not result in any damage to other property and will not threaten the public health, safety, or welfare on or off the property; and</i> <i>d. Any alteration to the wetland, fish and wildlife habitat, or geo-hazard area is the minimum necessary to allow for reasonable use of the property; and e.</i> <i>The inability of the applicant to derive reasonable use is not the result of actions by the applicant in subdividing the property or adjusting boundary lines thereby creating the undevelopable condition after the effective date the Code.</i></p>
	<p><i>A site visit was conducted on September 25, 2006 with Doug Smith, Director of Planning & Community Development, Mary Wren-Wilson, City Environmental Specialist, & Larry Dawes of Biology, Soil, & Water, Inc. At the site visit, evidence of an intermittent stream was visible, as described in the Budinger report. The stream path contained damp soil and small plant life including moss. Evidence of a small collection area was visible at the base of the hill, however no standing water was present. It appears that the proposed access street cut for Liberty View Lane would bisect the intermittent stream area. The Budinger report submitted by the applicant supports the concerns about road cuts in the intermittent stream and collection area.</i></p>	

The text shown above in italics denotes a major inconsistency between the proposal and the adopted standards or areas of concern on design.

Staff Summary: As proposed, the Preliminary Plat is inconsistent with Residential Density requirements of the R-1 (Single Family Residential) Zone, the Permitted Uses in the O (Open Space/ Recreation) Zone, the Pedestrian Access & Circulation Standards, and the Street Tree Requirements. There are also areas of concern on Transportation Improvements and Critical Areas. In a letter dated June 9, 2006, the City identified concerns with the draft preliminary plat proposal concerning the residential density, the permitted uses, and the street design, and these items have continued to be discussed throughout the application process.

The City has concerns about the location of the proposed Liberty View Lane and bisecting the path of the intermittent stream. If the identified intermittent stream meets the City Development Code definitions for wetlands, the Code does not permit Single Family Private Access Street/Driveway in wetlands or buffers. P&CD Staff suspects the intermittent stream may possibly be groundwater fed, based on the Budinger report findings.

The City of Liberty Lake Planning & Community Development Department Staff recommends that if this project is approved, the mitigating measures as outlined in the SEPA MDNS and attached conditions of approval be utilized.

ATTACHMENTS:

- A. Recommended Conditions of Approval
- B. Maps
 - Preliminary Plat w/ Vicinity Map
 - City Comprehensive Plan Land Use Map
 - City Zoning Map
 - U.S. Fish and Wildlife Service map
 - City Comprehensive Plan Wetlands map
 - Spokane County Geologically Hazardous Areas Map
 - FEMA Floodplain Map
- C. SEPA Checklist & Threshold Determination
- D. Notice of Public Hearing
- E. Budinger & Associates GeoTechnical Report
- F. Letter from Larry Dawes at Biology, Soils, & Water, Inc.
- G. Agency Comments
- H. Public Comments